

**ENTERED**

May 06, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

NESTOR FABIAN GONZALEZ §  
 QUINTANILLA, §  
 Petitioner, §  
 §  
 v. §  
 §  
 UNITED STATES OF AMERICA, §  
 Respondent. §

Civil Action No. 1:19-cv-00198

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the “Report and Recommendation of the Magistrate Judge” (“R&R”) (Docket No. 14). The R&R recommends the following: (1) deny Nestor Fabian Gonzalez Quintanilla’s (“Petitioner”) “Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody” (“Motion”) (Docket No. 1); (2) grant the Government’s combined “Motion for Summary Judgment” (“MSJ”) (Docket No. 13); (3) direct the Clerk of Court to close this case; and (4) decline to issue a certificate of appealability. Docket No. 14.

Objections were due April 6, 2020. No objections were filed by either party. If there have been no objections to the magistrate’s ruling, then the appropriate standard of review is “clearly erroneous, abuse of discretion and contrary to law.” *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Thus, Petitioner’s Motion (Docket No. 1) is **DENIED**, and the Government’s MSJ (Docket No. 13) is **GRANTED**. The Court declines to issue a certificate of appealability. The Clerk of the Court is **ORDERED** to close this case.

Signed on this 6th day of May, 2020.

  
 Roland Olvera  
 United States District Judge